THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27821 of 2007

DATED:31-12-2007

BETWEEN:

Smt.Saggu Girija.

..... PETITIONER

AND

The Tahsildar,
Bheemunipatnam,
Visakhapatnam District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in attempting to forcibly dispossess the petitioner from her lands of an extent of Ac.4.09 cents in Sy.No.142/3 and an extent of
Ac.2.23 cents in Sy.No.142/2 of Chippada village, Bheemunipatnam mandal, Visakhapatnam District without issuing any notice, without passing any order, and without giving her an opportunity of being heard *in spite* of the reports submitted by the earlier Mandal Revenue Officer and Revenue Divisional Officer to the District Collector stating that the said lands are her private lands, as illegal and arbitrary.

3. It is the case of the petitioner that one Kedarisetti Satyanarayana was the owner and possessor of an extent of Ac.4.09 cents in Sy.No.142/3 of Chippada village, Bheemunipatnam mandal and his wife Sanyasamma owned an extent of Ac.2.23 cents in Sy.No.142/2 of the same village and the said persons sold the property in favour of the petitioner vide registered sale deed vide document No.3876, dated 08-09-

1988, for valuable consideration and thereafter the name of the petitioner was also entered in the Settlement Register, 10(1) Adangal etc., and the suit filed by the vendor of the petitioner seeking injunction was already dismissed and the appeal was also dismissed. It is further stated that I.A.No.1215 of 2006 filed for rectification of the entries in the revenue records regarding classification proceedings is pending. While so, 1st respondent has been making attempts to dispossess the petitioner by visiting the site on 15-12-2007 along with the staff.

4. Learned Government Pleader, on instructions, submits that the said land is recorded in the Government records as 'assessed waste dry' (gayalu) and in the year 1967 the said land was assigned in favour of the vendors of the petitioner vide DKT D.R.No.961/71 and 1750/71 respectively in favour of the said Satyanarayana and his wife-Sanyasamma. As the said land was admittedly alienated in favour of the petitioner in violation of the provisions of sub-Sections 1 and 2 of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 notices have been issued to both the assignees as well as the person who has been in possession, i.e. the petitioner herein, and as both of them were not residing in the village notices were affixed under cover of panchanama. Thus, it is stated that notices have been served by substitute service.

5. As the proceedings have been initiated for resumption of the land under the Act, I am of the opinion that it may not be

correct to state that without following due process of law petitioner is sought to be dispossessed. As no final orders have been passed so far it is open for the petitioner to obtain the notice under Rule 3 of the Rules and submit his explanation before any orders are passed.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

31st December, 2007.
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